

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

06 - 20308 CR - SEITZ

/ McALILEY

18 U.S.C. § 371

42 U.S.C. § 1320a-7b(b)(2)(A)-(B)

18 U.S.C. § 2

UNITED STATES OF AMERICA

vs.

SEBASTIAN SILVERA and  
JULIO O. SILVERA,

Defendants.

INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

At all times relevant to this Indictment:

1. The Medicare Program ("Medicare") was a federal program that provided free or below-cost health care benefits to certain individuals, primarily the elderly, blind, and disabled. The benefits available under Medicare were prescribed by statute and by federal regulations under the auspices of the United States Department of Health and Human Services, through its agency, the Centers for Medicare and Medicaid Services. Individuals who received benefits under Medicare were commonly referred to as Medicare "beneficiaries."

2. Medicare was a "Federal health care program," as defined by Title 42, United States Code, Section 1320a-7b(f).

3. St. Louis Rehabilitation Program, Inc. ("St. Louis Rehab"), a Florida corporation, owned and operated a clinic that provided physical and occupational therapy at 4445 West 16<sup>th</sup>

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Street, Hialeah, Florida. St. Louis Rehab was an authorized Medicare provider and was entitled to submit claims to Medicare in order to be reimbursed for the cost of health care services, including physical and occupational therapy performed on and for Medicare beneficiaries.

4. Defendant **JULIO O. SILVERA**, a resident of Miami, Florida, was an owner and the president of St. Louis Rehab.

5. Defendant **SEBASTIAN SILVERA**, a resident of Hialeah, Florida, and Miami, Florida was an owner and the vice-president of St. Louis Rehab, and the son of **JULIO O. SILVERA**.

6. Cooperating Witness ("C.W.") owned and operated a Florida corporation that provided durable medical equipment to Medicare beneficiaries in the Southern District of Florida.

**COUNT 1**  
**(Conspiracy to Pay Kickbacks and Bribes Involving  
a Federal Health Care Program: 18 U.S.C. § 371)**

1. The allegations contained in paragraphs 1 through 6 of the General Allegations section are realleged and incorporated as though fully set forth herein.

2. From on or about January 30, 2002, the exact date being unknown to the Grand Jury, and continuing through on or about July 16, 2002, in Miami-Dade County, in the Southern District of Florida, the defendants,

**JULIO O. SILVERA**  
**and**  
**SEBASTIAN SILVERA,**

did willfully, that is, with the intent of furthering the unlawful purpose, and knowingly combine, conspire, confederate, and agree with persons known and unknown to the Grand Jury: to violate Title 42, United States Code, Section 1320a-7b(b)(2)(A)–(B) by knowingly and willfully

offering and paying remuneration, specifically, cash kickbacks and bribes, directly and indirectly, overtly and covertly, to a person to induce such person: to refer an individual for the furnishing and arranging for the furnishing of any item and service for which payment may be made in whole and in part by Medicare; and to purchase, lease, order, and arrange for and recommend purchasing, leasing, and ordering any good, item, and service for which payment may be made in whole and in part by Medicare.

### **PURPOSE OF THE CONSPIRACY**

3. The purpose of the conspiracy was for **JULIO O. SILVERA** and **SEBASTIAN SILVERA** to generate Medicare payments to St. Louis Rehab through the payment of kickbacks to health care professionals who would in return refer patients to St. Louis Rehab for physical and occupational therapy.

### **MANNER AND MEANS OF THE CONSPIRACY**

The manner and means by which the defendants sought to accomplish the object of the conspiracy included, among others, the following:

4. **JULIO O. SILVERA** and **SEBASTIAN SILVERA** asked health care professionals, including C.W., to refer Medicare beneficiaries to St. Louis Rehab for physical and occupational therapy that would be reimbursed, in whole or in part, by Medicare.

5. In order to induce the ongoing referrals, **JULIO O. SILVERA** and **SEBASTIAN SILVERA** paid kickbacks and bribes to C.W.

### **OVERT ACTS**

In furtherance of the conspiracy, and to accomplish its purpose and object, at least one of the conspirators committed, or caused to be committed, in the Southern District of Florida at least one of the following overt acts, among others:

1. On or about January 30, 2002, **SEBASTIAN SILVERA** paid a kickback by delivering cash to C.W. in the approximate amount of \$530.

2. On or about February 8, 2002, **JULIO O. SILVERA** paid a kickback by delivering cash to C.W. in the approximate amount of \$2,800.

3. On or about March 4, 2002, **JULIO O. SILVERA** paid a kickback by delivering cash to C.W. in the approximate amount of \$1,200.

4. On or about April 18, 2002, **JULIO O. SILVERA** paid a kickback by delivering cash to C.W. in the approximate amount of \$175.

5. On or about May 1, 2002, **JULIO O. SILVERA** paid a kickback by delivering cash to C.W. in the approximate amount of \$700.

6. On or about July 16, 2002, **JULIO O. SILVERA** paid a kickback by delivering cash to C.W. in the approximate amount of \$350.

All in violation of Title 18, United States Code, Section 371.

**COUNTS 2-7**  
**(Payment of Kickbacks and Bribes Involving**  
**a Federal Health Care Program: 42 U.S.C. § 1320a-7b(b)(2)(A)–(B) and 18 U.S.C. § 2)**

1. Paragraphs 1 through 6 of the General Allegations section are realleged and incorporated by reference as though fully set forth herein.

2. On or about the dates enumerated below, in Miami-Dade County, in the Southern District of Florida, the defendants,

**JULIO O. SILVERA**  
**and**  
**SEBASTIAN SILVERA,**

did knowingly and willfully offer and pay remuneration, specifically, cash kickbacks and bribes, directly and indirectly, overtly and covertly, to a person to induce such person: to refer an individual for the furnishing and arranging for the furnishing of any item and service for which payment may be made in whole and in part by Medicare; and to purchase, lease, order, and arrange for and recommend purchasing, leasing, and ordering any good, item, and service for which payment may be made in whole and in part by Medicare:

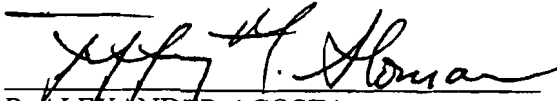
Count	Date	Defendant	Remuneration
2	01/30/02	SEBASTIAN SILVERA and JULIO O. SILVERA	Cash in the approximate amount of \$530
3	02/08/02	SEBASTIAN SILVERA and JULIO O. SILVERA	Cash in the approximate amount of \$2,800
4	03/04/02	SEBASTIAN SILVERA and JULIO O. SILVERA	Cash in the approximate amount of \$1,200

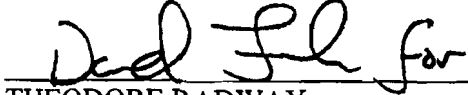
Case	Date	Defendant	Amount
5	04/18/02	SEBASTIAN SILVERA and JULIO O. SILVERA	Cash in the approximate amount of \$175
6	05/01/02	SEBASTIAN SILVERA and JULIO O. SILVERA	Cash in the approximate amount of \$700
7	07/16/02	SEBASTIAN SILVERA and JULIO O. SILVERA	Cash in the approximate amount of \$350

All in violation of Title 42, United States Code, Section 1320a-7b(b)(2)(A)-(B) and Title 18, United States Code, Section 2.

A TRUE BILL

  
FOREPERSON

66   
R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

  
THEODORE RADWAY  
SPECIAL ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

06-20308 CR - SEITZ McALILEY  
CASE NO.

UNITED STATES OF AMERICA

vs.

CERTIFICATE OF TRIAL ATTORNEY\*

SEBASTIAN SILVERA and  
JULIO O. SILVERA,

Defendants.

Superseding Case Information:

Court Division: (Select One)

X Miami      Key West  
     FTL      WPB      FTP

New Defendant(s)      Yes      No       
Number of New Defendants  
Total number of counts     

I do hereby certify that:

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the indictment/information attached hereto.

2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

3. Interpreter: (Yes or No) Yes  
List language and/or dialect Spanish

4. This case will take 2 days for the parties to try.

5. Please check appropriate category and type of offense listed below:  
(Check only one) (Check only one)

I	0 to 5 days	<u>X</u>	Petty	<u>    </u>
II	6 to 10 days	<u>    </u>	Minor	<u>    </u>
III	11 to 20 days	<u>    </u>	Misdem.	<u>    </u>
IV	21 to 60 days	<u>    </u>	Felony	<u>X</u>
V	61 days and over	<u>    </u>		

6. Has this case been previously filed in this District Court? (Yes or No) No

Judge:      Case No.     

Attach copy of dispositive order)  
Has a complaint been filed in this matter? (Yes or No) No

If yes:  
Magistrate Case No.       
Related Miscellaneous numbers:       
Defendant(s) in federal custody as of       
Defendant(s) in state custody as of       
Rule 20 from the      District of     

Is this a potential death penalty case? (Yes or No) No

7. Does this case originate from a matter pending in the U.S. Attorney's Office prior to April 1, 2003?      Yes X No

8. Does this case originate from a matter pending in the U. S. Attorney's Office prior to April 1, 1999?      Yes X No  
If yes, was it pending in the Central Region?      Yes      No

9. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003?      Yes X No

10. Does this case originate from a matter pending in the Narcotics Section (Miami) prior to May 18, 2003?      Yes X No

*Theodore L. Radway*

THEODORE L. RADWAY  
SPECIAL ASSISTANT UNITED STATES ATTORNEY  
COURT ID No. A5501010

\*Penalty Sheet(s) attached

REV.1/14/04

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S.D. OF FL. - MIAMI

06-20308  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
PENALTY SHEET CR-SEITZ

McALILEY

Defendant's Name: SEBASTIAN SILVERA

Case No: \_\_\_\_\_

Count # 1:

Conspiracy to Pay Kickbacks Involving A Federal Health Care Program

18 U.S.C. § 371

\* Max. Penalty: 5 years' imprisonment

Counts #2 - 7:

Kickbacks Involving A Federal Health Care Program

42 U.S.C. § 1320a-7b(b)(2)(A)-(B)

\*Max. Penalty: 5 years' imprisonment as to each count

Count #:

\*Max. Penalty: \_\_\_\_\_

Count #:

\*Max. Penalty: \_\_\_\_\_

\*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

**06-20308** CR-SEITZ ☒ McALILEY  
Defendant's Name: JULIO G. SEVERA

Case No: \_\_\_\_\_

Count # 1:

Conspiracy to Pay Kickbacks Involving A Federal Health Care Program  
18 U.S.C. § 371

**\* Max. Penalty:** 5 years' imprisonment

Counts #2 - 7:

Kickbacks Involving A Federal Health Care Program  
42 U.S.C. § 1320a-7b(b)(2)(A)-(B)

**\*Max. Penalty:** 5 years' imprisonment as to each count

Count #:

**\*Max. Penalty:** \_\_\_\_\_

Count #:

**\*Max. Penalty:** \_\_\_\_\_

**\*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

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SOUTHERN DISTRICT OF FLORIDA  
MIAMI

06-20308

CR-SEITZ [MCALILEY]

UNITED STATES DISTRICT COURT

SOUTHERN

District of

FLORIDA

THE UNITED STATES OF AMERICA

vs.

SEBASTIAN SILVERA and  
JULIO O. SILVERA,

Defendants.

INDICTMENT

18 U.S.C. § 371  
42 U.S.C. § 1320a-7b(b)(2)(A)-(B)  
18 U.S.C. § 2

A true bill.

FGJ 06-104 (M/A)

Foreman

Filed in open court this \_\_\_\_ day of May A.D. 2006

Clerk

Bail \$